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HOUSE BILL 893

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joe Thompson

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING PENALTIES FOR THE  
OFFENSES OF AGGRAVATED BATTERY AND AGGRAVATED BATTERY AGAINST A  
HOUSEHOLD MEMBER; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-3-5 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 3-5, as amended) is amended to read:

"30-3-5. AGGRAVATED BATTERY. --

A. Aggravated battery consists of the unlawful  
touching or application of force to the person of another with  
intent to injure that person or another.

B. Whoever commits aggravated battery, by  
inflicting an injury to the person [~~whi~~eh] that is not likely  
to cause death or great bodily harm but does cause painful  
temporary disfigurement or temporary loss or impairment of the

underscored material = new  
[bracketed material] = delete

1 functions of any member or organ of the body, is guilty of a  
2 [~~misdemeanor~~] fourth degree felony.

3 C. Whoever commits aggravated battery [~~inflicting~~  
4 ~~great bodily harm or does so~~] with a deadly weapon or does so  
5 in any manner whereby great bodily harm or death can be  
6 inflicted on a person, but in fact is not, is guilty of a third  
7 degree felony.

8 D. Whoever commits aggravated battery, by  
9 inflicting great bodily harm on a person, is guilty of a second  
10 degree felony."

11 Section 2. Section 30-3-16 NMSA 1978 (being Laws 1995,  
12 Chapter 221, Section 7) is amended to read:

13 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD  
14 MEMBER. --

15 A. Aggravated battery against a household member  
16 consists of the unlawful touching or application of force to  
17 the person of a household member with intent to injure that  
18 person or another.

19 B. Whoever commits aggravated battery against a  
20 household member, by inflicting an injury to that person that  
21 is not likely to cause death or great bodily harm, but that  
22 does cause painful temporary disfigurement or temporary loss or  
23 impairment of the functions of any member or organ of the body,  
24 is guilty of a [~~misdemeanor~~] fourth degree felony.

25 C. Whoever commits aggravated battery against a

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underscored material = new  
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1 household member [~~by inflicting great bodily harm or doing so~~  
2 with a deadly weapon or doing so in any manner whereby great  
3 bodily harm or death can be inflicted on a person, but in fact  
4 is not, is guilty of a third degree felony.

5 D. Whoever commits aggravated battery against a  
6 household member, by inflicting great bodily harm on a  
7 household member, is guilty of a second degree felony."

8 Section 3. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 2003.

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